

1 John Houston Scott, SBN 72578
2 Elizabeth N. de Vries, SBN 227215

2 **THE SCOTT LAW FIRM**
3 1375 Sutter Street, Suite 222
4 San Francisco, CA 94109
5 Telephone: (415) 561-9600
6 Facsimile: (415) 561-9609
7 tposey@lawjhs.com

8 Eric Safire, SBN 98706
9 **LAW OFFICES OF ERIC SAFIRE**
10 2431 Fillmore Street
11 San Francisco, CA 94115
12 Telephone: (415) 292-1940
13 Facsimile: (415) 292-1946
14 eric@safirelaw.com

15 Attorneys for Plaintiffs

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 PATRICIA DESANTIS, individually and as) Case No. C07 3386
19 Successor in Interest for RICHARD)
20 DESANTIS, deceased, and as Guardian Ad)
21 Litem for DANI DESANTIS, a minor and)
22 TIMOTHY FARRELL, a minor,)

23 Plaintiffs,)
24 v.)

25 CITY OF SANTA ROSA, JERRY)
26 SOARES, RICH CELLI, TRAVIS MENKE,)
27 PATRICIA MANN and DOES 1 through)
28 25, inclusive,)

29 **PETITION AND [PROPOSED] ORDER**
30 **FOR APPOINTMENT OF GUARDIAN AD**
31 **LITEM**

32 Defendants.)

33 Petitioners state as follows:

34
35 1. Dani DeSantis is a minor, born on April 21, 2004.
36 2. Timothy Farrell is a minor, born on March 3, 1997.

1 3. Petitioners Dani DeSantis and Timothy Farrell have commenced an action in this
2 Court in a complaint filed on June 27, 2007 against the City of Santa Rosa, Jerry Soares, Rich Celli,
3 Travis Menke, Patricia Mann, and Does 1-25 for civil-rights violations that resulted in the death of
4 their father, Richard DeSantis.

5 4. Petitioners have not filed a previous request to appoint any person, including their
6 mother, Patricia DeSantis, as guardian ad litem in this matter.

7 5. Patricia DeSantis, who can be contacted through John Scott, The Scott Law Firm,
8 1375 Sutter St., #222, San Francisco, CA 94109, is a competent and responsible person, fully
9 competent to act as petitioners' guardian ad litem, and is their mother.

10 6. Patricia DeSantis is willing to act as guardian ad litem for both petitioners,
11 demonstrated by her below consent.

12 7. WHEREFORE, petitioners Dani Desantis and Timothy Farrell move the Court for an
13 order appointing Patricia DeSantis as guardian ad litem of petitioners for the purpose of bringing
14 action against City of Santa Rosa, Jerry Soares, Rich Celli, Travis Menke, Patricia Mann, and Does
15 1-25 on the claims arising out of the death of their father, Richard DeSantis.

Consent of Nominee

18 I, Patricia DeSantis, the nominee of the Petitioners, consent to act as guardian ad litem for the
19 minor petitioners in the above-noted action.

21 | Dated: July 27, 2007

By: Patricia O. DeSantis
Patricia DeSantis

24 Dated: Aug. 6, 2007

Respectfully submitted,

THE SCOTT LAW FIRM

By: Lizabeth N. de Vries
Lizabeth N. de Vries,
Attorney for Plaintiffs

[PROPOSED] ORDER

The petition for an order appointing Patricia DeSantis as guardian ad litem for petitioners Dani DeSantis and Timothy Farrell is GRANTED.

IT IS SO ORDERED.

Dated: _____ By: _____
United States District Judge